

Message Text

CONFIDENTIAL

PAGE 01 USBERL 00464 01 OF 02 141659Z
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C O N F I D E N T I A L SECTION 1 OF 2 USBERLIN 0464

E O 11652: GDS
TAGS: PGOV, PINT, WB
SUBJ: SCHUETZ SURVIVES ANOTHER CRISIS - BUT AT COST

REF: USBERLIN 0420

1. SUMMARY: GOVMAJOR SCHUETZ SURVIVED ANOTHER CRISIS ON FEBRUARY 10 WHEN SPD AND FDP CAUCUSES OF BERLIN HOUSE OF REPRESENTATIVES RALLIED AROUND HIS TO DEFEAT CDU MOTION OF CENSURE. PARLIAMENTARIANS MADE IT CLEAR TO SCHUETZ, HOWEVER, THAT NEITHER HIS OWN PARTY, NOR FREE DEMOCRATIC COALITION PARTNER, APPROVED OF HIS STATEMENT DURING DEBATE FEBRUARY 3 ON BEHALF OF FORMER SENAT DIRECTOR SCHWAEBL. AN SPD/FDP MOTION EXPRESSING VIEW THAT SCHWAEBL NEVER AGAIN SHOULD BE EMPLOYED IN PUBLIC SERVICE WAS ADOPTED UNANIMOUSLY. REPORTEDLY SCHUETZ WAS ON VERGE OF RESIGNING ON FEBRUARY 10 BUT WAS DISSUADED BY OTHER SPD LEADERS. HIS POSITION WITHIN BERLIN SPD NEVERTHELESS IS LESS
CONFIDENTIAL

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PAGE 02 USBERL 00464 01 OF 02 141659Z

FIRM THAN AT ANY TIME IN HIS TEN YEAR SERVICE AS GOVERNING MAYOR. END SUMMARY.

2. AS NOTED IN REFTEL, CDU INTRODUCED AN URGENT MOTION FOR DEBATE BY HOUSE OF REPRESENTATIVES ON FEBRUARY 10. TEXT OF MOTION WAS SIMPLE; IT READ: "THE HOUSE OF REPRESENTATIVES DISAPPROVES THE STATEMENT OF

SYMPATHY MADE ON BEHALF OF RETIRED SENAT DIRECTOR SCHWAEBL BY THE GOVERNING MAYOR IN PLENARY SESSION ON FEBRUARY 3, 1977." CDU HOPED TO ENTICE INTO VOTING FOR MOTION SOME SPD AND FDP MEMBERS WHO WERE ALARMED BY IMPLICATION OF GOVERNING MAYOR'S REMARKS ON FEBRUARY 3 THAT SCHWAEBL WAS BEING REHABILITATED FOR REEMPLOYMENT IN PUBLIC SERVICE OR WERE DISTRESSED BY MISREADING OF INVESTIGATIVE COMMISSION REPORTS WHICH WERE CLEARLY CRITICAL OF SCHWAEBL'S ROLE IN KPM AFFAIR. ADDITIONAL EVIDENCE OF SCHWAEBL'S MISDEEDS -- MEMBERSHIP ON BOARD OF DIRECTORS OF CONSTRUCTION FIRM DOING MILLIONS OF MARKS OF BUSINESS WITH SENAT WHILE HE WAS SENAT DIRECTOR -- WAS BOON FOR CDU AND FURTHER INDUCED OPPOSITION TO HOPE FOR SPD AND FDP DEFECTIONS.

3. WHAT WAS SCHUETZ'S OFFENDING STATEMENT? HE SAID SIMPLY: "PERHAPS THE GENERAL IMPRESSION FROM THE HEARINGS WAS THAT HERR DIETER SCHWAEBL HAS NOT FARED SO WELL. THAT MAY BE TRUE ENOUGH AND IT MAY ALSO BE THAT WHAT WAS SAID AND ONE WITH REGARD TO HIM A YEAR AGO WAS CORRECT AS WELL. I DO NOT WANT TO REEVALUTATE THAT. HOWEVER, ONE THING SHOULD BE MADE CLEAR: NEITHER A VERY INTENSIVE INVESTIGATION NOR A PARTISAN MINORITY REPORT HAVE ARRIVED AT ANY CONCLUSIONS WHICH WOULD CAST DOUBT ON THE INTEGRITY OR PERSONAL HONOR OF THIS MAN. WE WOULD BE WELL-ADVISED TO STATE HERE PUBLICLY THAT THIS IS SO."

4. IN EFFORT TO HEAD OFF DEFECTIONS HOPED FOR BY
CONFIDENTIAL

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PAGE 03 USBERL 00464 01 OF 02 141659Z

OPPOSITION, SPD AND FDP CAUCUSES WORKED THROUGHOUT AFTERNOON OF FEBRUARY 10 TO DRAFT "AMENDMENT" TO CDU MOTION WHICH WOULD EXPRESS RESERVATIONS WITH RESPECT TO SCHWAEBL BUT NOT DAMAGE SCHUETZ. AT START OF DEBATE ON CDU MOTION, WHICH WAS LAST ITEM OF BUSINESS ON AGENDA, ACTING PRESIDENT SICKERT READ OUT OF FOLLOWING SPD/FDP MOTION: "THE URGENT MOTION OF THE CDU CAUCUS ABOUT A STATEMENT OF SYMPATHY FOR HERR SCHWAEBL IS REPLACED BY THE FOLLOWING FORMULATION:

THE HOUSE OF REPRESENTATIVES AFFIRMS THAT THE PREMATURELY-RETIRED SENAT DIRECTOR DIETER SCHWAEBL, WHOSE POLITICAL AND PERSONAL QUALIFICATION ARE IN DOUBT, WILL NEVER AGAIN BE CALLED TO SERVE IN PUBLIC OFFICE. THE HOUSE OF REPRESENTATIVES CONFIRMS MOST EMPHATICALLY THE DETERMINATION OF THE REPORT OF THE INVESTIGATIVE COMMITTEE REGARDING THE CONDUCT OF SCHWAEBL AS A WITNESS."

5. WHILE CDU BEGAN STUDYING AMENDMENT, SUCCESSION OF CDU SPEAKERS ROSE TO DENOUNCE SCHUETZ AND CHALLENGE HIM

TO APOLOGIZE TO HOUSE FOR MISINTERPRETING INVESTIGATIVE COMMITTEE REPORTS. CDU CAUCUS CHAIRMAN LUMMER DEMANDED THAT SCHUETZ RETRACT HIS STATEMENT REGARDING SCHWAEBL. CDU CHAIRMAN LORENZ, WHO HAD RELINQUISHED PRESIDENCY OF HOUSE OF REPS TO SPD VICE PRESIDENT SICKERT FOR DURATION OF SCHWAEBL DEBATE, DEMANDED THAT NEW ELECTIONS BE CALLED TO LET VOTERS DECIDE FATE OF SPD/FDP COALITION. (COMMENT: LORENZ INDICATED TO MISOFF JUST PRIOR TO DEBATE THAT CDU WAS CONSIDERING GOING INITIATIVE/REFERENDUM ROUTE TO FORCE NEW ELECTIONS AS SOON AS POSSIBLE RATHER THAN WAIT UNTIL SCHEDULED 1979 ELECTIONS. WE UNDERSTAND THAT IT WOULD STILL TAKE UP TO NINE MONTHS TO ARRANGE FOR SUCH ELECTIONS, ASSUMING NECESSARY SUCCESSFUL OUTCOME OF INITIATIVE AND REFERENDUM. END COMMENT.)

6. SPD CAUCUS CHAIRMAN HAUS AND FDP CAUCUS CHAIRMAN
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PAGE 04 USBERL 00464 01 OF 02 141659Z

VETTER WERE ONLY OFFICIAL MEMBERS OF COALITION TO SPEAK. HAUS EMPHASIZED THAT SCHWAEBL WOULD NEVER AGAIN ASSUME PUBLIC OFFICE AND HE EXPRESSED REGRET OVER MANNER IN WHICH CDU HAD GONE AFTER SCHUETZ PERSONALLY. VETTER DECLARED THAT FDP DID NOT MAKE DISTINCTION BETWEEN AN OFFICIAL'S INTEGRITY AS A PUBLIC HERVANT AND AS A PRIVATE PERSON (AND THEREBY IMPLICITLY CRITICIZED SCHUETZ FOR HAVING DONE SO IN CASE OF SCHWAEBL.) SURPRISE SPEAKER WAS FDP'S OXFORT, WHO SPOKE ON BEHALF OF HIMSELF AND UNNAMED FELLOW FREE DEMOCRAT (BELIEVED TO BE HOUSE VICE PRESIDENT BAETGE). OXFORT SAID THAT IT WAS HARD FOR HIM TO SPEAK AGAINST SCHUETZ BUT NOTED THAT "POLITICAL SOLIDARITY ENDS WHERE POLITICAL CRONYISM BEGINS". HE CALLED UPON SCHUETZ TO WITHDRAW HIM STATEMENT ON BEHALF OF SCHWAEBL. FAILING SUCH ACTION ON SCHUETZ'S PART, OXFORT SAID HE WOULD HAVE TO VOTE FOR CDU MOTION. HE EMPHASIZED THAT HE WAS NOT TAKING SUCH POSITION OUT OF REVENGE, WHICH HE SAID, "WOULD PRESUPPOSE THAT THERE WAS A NEED FOR REVENGE; THERE IS NOT." AS OXFORT SPOKE THERE WAS COMPLETE SILENCE IN HOUSE OF REPS. FOR THE FIRST TIME DURING SESSION OF FEBRUARY 10, SERIOUS CONCERN PLAINLY SHOWED ON FACES OF SCHUETZ AND SENATORS. WHEN HE FINISHED HIS STATEMENT, OXFORT WAS APPLAUDED ONLY BY CDU MEMBERS.

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PAGE 01 USBERL 00464 02 OF 02 141815Z
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C O N F I D E N T I A L SECTION 2 OF 2 USBERLIN 0464

7. SHORTLY BEFORE 7 P.M., CDU MEMBER DIEPGEN ON POINT OF ORDER DECLARED THAT SPD/FDP "AMENDMENT" CONSTITUTED TOTALLY NEW MOTION AND CALLED FOR SUSPENSION OF HOUSE BUSINESS WHILE COUNCIL OF ELDERS (RULES COMMITTEE) MET TO DISCUSS IMPLICATIONS OF MEASURE. HE POINTED OUT THAT IF SUCH MOTION WAS ALLOWED AS AMENDMENT, FUTURE OF PARLIAMENTARY PROCEDURES, SUCH A MOTIONS OF NO-CONFIDENCE, WOULD BE JEOPARDIZED SINCE THEIR NATURE COULD BE CHANGED THROUGH AMENDMENTS WHICH DROPPED WORDS LIKE "NO-CONFIDENCE". AFTER QUICK FLOOR CONFERENCE OF CDU, FDP AND SPD CAUCUS LEADERS, IT WAS AGREED THAT SEPARATE VOTES WOULD BE TAKEN ON CDU MOTION AND SPD/FDP, WITH CDU MEASURE COMING FIRST.

8. THROUGHOUT DEBATE, SCHUETZ SAT IMPASSIVELY IN HIS CHAIR AND REMAINED SILENT, DESPITE CDU TAUNTS. SEVERAL CDU SPEAKERS CLAIMED THAT SCHUETZ'S SILENCE MEANT HE HAD MADE HIS STATEMENT ABOUT SCHWAEBL AS
CONFIDENTIAL

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PAGE 02 USBERL 00464 02 OF 02 141815Z

A FORM OF PAYOFF AND WAS AFRAID OF WHAT SCHWAEBL MIGHT SAY OR DO WERE SCHUETZ TO WITHDRAW IT NOW.

9. AT APPROXIMATELY 7:15 P.M., FOLLOWING AS ROLL-CALL VOTE, IT WAS DETERMINED THAT CDU MOTION HAD LOST 69 TO 74, WITH ONE ABSENTION (EX-SENATOR LIEHR). OXFORD VOTED FOR CDU MEASURE AS HE HAD PROMISED. THIS VOTE WAS QUICKLY FOLLOWED BY VOICE VOTE ON SPD/FDP MOTION (LESS WORDS "THE URGENT MOTION OF THE CDU CAUCUS ABOUT A STATEMENT OF SYMPATHY FOR HERR SCHWAEBL IS REPLACED BY THE FOLLOWING FORMULATION"), WHICH PASSED UNANIMOUSLY. ENTIRE HOUSE OF REPRESENTATIVES THEREFORE PUT ITSELF FIRMLY ON RECORD REGARDING SCHWAEBL AND HIS FUTURE, THUS NEGATING SCHUETZ'S STATEMENT OF FEBRUARY 3.

10. WHILE ATMOSPHERE IN RATHAUS SCHOENEBOURG IS NOW MORE RELAXED THAN IN PAST FEW DAYS, THERE ARE LINGERING CONCERNS. SENATOR RIEBSCHLAEGER TOLD EVENING NEWSPAPER DER ABEND ON FEBRUARY 11 THAT SPD/FDP COALITION IN BERLIN NOW NEEDED SOME SUCCESSES; THEY COULD NOT CONTINUE TO WORK TOGETHER ON BASIS OF DEBATES SUCH AS THAT WHICH OCCURRED IN THE HOUSE REPS ON FEBRUARY 10. RIEBSCHLAEGER ALSO DENIED REPORTS THAT SCHUETZ WOULD BE RESIGNING BEFORE SUMMER. "LET US JUST SAY THAT HE WAS IN A MOOD IN WHICH HE WAS CONSIDERING GIVING IT UP. HOWEVER, THE POLITICAL ADVICE WENT IN THE OTHER DIRECTION," RIEBSCHLAEGER SAID. ON MORNING OF DEBATE, RIEBSCHLAEGER TOLD TAGESSPIEGEL "WE ALL LOVE THE GOVERNING MAYOR, BUT WE DON'T ALL NECESSARILY LOVE ALL THE THINGS HE SAYS."

11. SENATOR RISTOCK, WHO WITH RIEBSCHLAEGER AND SENATOR NEUBAUER, MAY HAVE BEEN RESPONSIBLE FOR CONVINCING SCHUETZ TO REMAIN IN OFFICE, TOLD MISOFF ON NIGHT BEFORE DEBATE THAT HE HAD EVERY CONFIDENCE THAT SCHUETZ WOULD

CONFIDENTIAL

PAGE 03 USBERL 00464 02 OF 02 141815Z

BE SPD'S CANDIDATE FOR GOVMAYOR IN 1979 "AND IN 1983 AS WELL". RISTOCK ADDED THAT HE THOUGHT COALITION WITH FDP WOULD CONTINUE BEYOND 1979, EVEN IF SPD ACHIEVED ABSOLUTE MAJORITY. AS TO HIS OWN ASPIRATION TO BE GOVMAYOR, RISTOCK SAID HE NEEDED "AT LEAST TWO LEGISLATIVE PERIODS" TO ACCOMPLISH WORK HE HAS SET OUT FOR HIMSELF AS SENATOR FOR BUILDING AND HOUSING.

12. NEVERTHELESS, THERE IS MUCH TALKS NOW ABOUT A

SUCCESSOR FOR SCHUETZ. MOST POLITICAL OBSERVERS BELIEVE THAT AT PRESENT TIME, NEITHER RISTOCK NOR RIEBSCH-LAEGER HAS SUFFICIENT STRENGTH TO BECOME GOVMAJOR. THAT WOULD TAKE VOTES NOT ONLY OF SPD HOUSE OF REPS CAUCUS (AND FDP AS WELL) BUT ALSO MAJORITY OF 240 DELEGATES TO BERLIN SPD PARTY CONVENTION. POSSIBLE COMPROMISE CANDIDATES NOW BEING MENTIONED ARE SENATOR STOBBE AND FEDERAL PLENIPOTENTIARY SPANGENBERG.

13. SCHUETZ DENIED PUBLICLY THAT HE WOULD BE RESIGNING IN NEXT FEW MONTHS (AS PREDICTED BY DIE WELT) DURING TELEVISION INTERVIEW EVENING OF FEBRUARY 11. "I AM DETERMINED TO CONTINUE AS GOVERNING MAYOR -- AS LONG AS I HAVE THE TRUST OF THE HOUSE OF REPRESENTATIVES - IN A ENERGETIC AND EFFECTIVE MANNER AS POSSIBLE FOR THE REMAINDER OF THE CURRENT LEGISLATIVE PERIOD." SCHUETZ WHO HAD JUST RETURNED FROM BONN WHERE HE ATTENDED MEETING OF LAENDER MINISTER PRESIDENTS, NOTED THAT DISCUSSION WITH WILLY BRANDT WHILE THERE HAD STRENGTHENED HIS DETERMINATION TO CONTINUE AS GOVMAYOR. SCHUETZ ALSO DENIED THAT HE HAD DISCUSSED WITH RIEBSCHLAEGER, RISTOCK OR NEUBAUER ON FEBRUARY 9 POSSIBILITY OF RESIGNING. SCHUETZ EXPLAINED HIS SILENCE DURING HOUSE OF REPS DEBATE BY STATING: "I SAW NO REASON TO

CONFIDENTIAL

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PAGE 04 USBERL 00464 02 OF 02 141815Z

FLEE FROM MY OWN STATEMENT." SCHUETZ ADMITTED THAT HIS STATEMENT ON SCHWAEBL'S BEHALF, WHICH HE SAID HE HAD INTENDED NOT AS AN APOLOGIA BUT ONLY AS AN ATTEMPT TO PREVENT SCHWAEBL FROM BEING DESTROYED AS A HUMAN BEING, WAS "AT THAT PARTICULAR POINT IN TIME CERTAINLY A SERIOUS MISTAKE."

14. LENGTHY FRONT-PAGE EDITORIAL IN FEBRUARY 13 TAGESSPIEGEL BY JOACHIM BOELKE LAID PART OF BLAME FOR SCHUETZ'S PROBLEM AT DOOR OF AVARICIOUS PARTY SYSTEM. BOELKE PREDICTED THAT ANY SUCCESSOR TO SCHUETZ WOULD BE CONFRONTED WITH SIMILAR PROBLEMS. BOELKE ADDED, HOWEVER, THAT SCHUETZ'S MANNER OF DISTANCING HIMSELF FROM HURLY-BURLY OF SPD POLITICS AND HIS PAST ATTEMPTS TO ABSOLVE HIMSELF FROM RESPONSIBILITY BY STRESSING SOLE RESPONSIBILITY OF SENATORS FOR THEIR DEPARTMENTS, HAS PLACED GOVMAJOR IN EVEN MORE DIFFICULT SITUATION FROM WHICH TO ATTEMPT TO REGAIN CONTROL OF ADMINISTRATION. BOELKE PRAISED UNNAMED CIVIL SERVANTS WHO "BOUND ONLY TO LAW AND THE REGULATIONS, STEADFASTLY RESIST POLITICAL PRESSURE FROM ABOVE AND BELOW AND WITH THE COURAGE

OF THE WELL-GROUNDED NO, COULD BE A GREAT HELP FOR A RESPONSIBLE POLITICAL LEADERSHIP." (COMMENT: BOELKE IS REFERRING CERTAINLY TO GERHARD KUNZE OF SENAT CHANCELLERY, WHO IS WELL-KNOWN FOR HIS STRONG STANDS ON PRINCIPLE. END COMMENT) BOELKE CONCLUDED THAT QUESTION OF SUCCESSOR OF SCHUETZ COULD NOT BE RESOLVED UNLESS THERE WAS ALSO RESOLVED PROBLEM OF UNHEALTHY RELATIONSHIP OF PARTY WITH PUBLIC POSITIONS.

15. WHAT DOES ALL THIS MEAN: FIRST, SCHUETZ FURTHER HURT SCHWAEBL BY WELL-INTENTIONED STATEMENT ON LATTER'S BEHALF. (SCHWAEBL HAS NOW ASKED THAT DISCIPLINARY PROCEEDINGS BE INSTITUTED AGAINST HIMSELF FOR FAILING TO OBTAIN SENAT APPROVAL FOR HIS MEMBERSHIP ON NEUE CONFIDENTIAL

CONFIDENTIAL

PAGE 05 USBERL 00464 02 OF 02 141815Z

HEIMAT BOARD OF DIRECTORS. HE ONLY GOT ORAL APPROVAL FROM SENATOR STRIEK BEFORE JOINING BOARD). SECOND,

SCHUETZ HAS SERIOUSLY DAMAGED HIS PERSONAL STANDING WITHIN BERLIN SPD AND HAS STRAINED HIS RELATIONSHIP WITH FDP. THIRD, HE HAS GIVEN CDU NEW AND POTENTIALLY VIABLE ISSUE WITH WHICH TO SEEK TO NEW ELECTIONS BEFORE 1979. FOURTH, HE HAS GIVEN CHANCELLOR SCHMIDT AND OTHERS IN BONN FURTHER BASIS FOR ADOPTING HARDER LINE WITH RESPECT TO BERLIN SPD. AND FIFTH, SCHUETZ HAS DAMAGED HIS ABILITY TO ADMINISTER THE CITY EFFECTIVELY. BARRING SOME SPECTACULAR SUCCESSES IN NEAR FUTURE, SCHUETZ MAY WELL BE ON HIS WAY OUT. GEORGE

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